

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

917 ANTICIPATORY BAIL APPLICATION NO.1116 OF 2022
WITH APPLN/3185/2022 IN ABA/1116/2022

SANTOSH VITTHAL SHINDE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Karpe Rahul R.
APP for Respondent-State : Mr. S. B. Narwade.
Advocate for Complainant to assist APP : Mr. Avhad A. P.

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CORAM : S. G. MEHARE, J.
DATE : 28.09.2022

PER COURT :-

1. Heard the learned counsel for the applicant, the learned APP for the respondent-State and learned counsel for the complainant.

2. The facts of the case were that the applicant and deceased were residing in the same village and were the neighbours. It has been alleged that on the day of the incident, the applicant took photographs of the minor daughter of the deceased and the complainant. The deceased asked the applicant why he took the photograph. For that reason, they had the exchange of hot words and abuses. The neighbours separated their quarrel. It has been alleged in the FIR that the

applicant made the suspicion over the chastity / character of the complainant in front of the villagers and beat the deceased and co-accused have outraged her modesty. The deceased was shocked as accused doubted the chastity / character of the complainant and out of fear, he committed suicide.

3. Learned APP and learned counsel Mr. Avhad for complainant have vehemently argued that the offence is apparently serious. Learned APP has referred to certain statements of the witnesses. They have stated that on the day of the incident, there was a quarrel between the applicant and complainant's family for the reasons that the applicant took a photograph of the minor daughter of the deceased. The neighbours had separated their quarrel. After some time, the applicant and others went to the house of the deceased and they were abusing the deceased and his family. The vague statements have been made by the witnesses that the complainant was weeping and shouting "do not beat - do not beat". Their statements do not reveal that the applicant was assaulting the deceased or the complainant. It has been vehemently argued that the deceased could not bear the insult made by the applicant making the allegations over the

chastity / character of his wife. Hence, he has committed suicide. Hence, the application may be dismissed.

4. In addition to the allegations discussed above, it is the fact that the deceased was missing for 12 hours after the incident and the dead body of deceased was found on the railway track to the Railway Police. The A.D. was registered and thereafter, the present crime has been registered.

5. Considering the incident, it appears that it was a solitary incident. Previously, there were no complaints of consistent harassment to the deceased at the hands of the applicant. It is the question whether the solitary incident is sufficient to believe that the applicant has abated the deceased to commit suicide. That would be considered on merit. However, *prima facie* it appears that it was simply a quarrel between two neighbours. They were abusing each other. There is no material evidence against the applicant that he has used the weapon to cause the injury to the deceased. Considering the above facts, this Court is of the view that the applicant is entitled to the anticipatory bail. Hence, the following order :

ORDER

- (i) The application is allowed.

- (ii) The interim protection granted to the applicant by the order dated 24.08.2022 stands confirmed on the same terms and conditions with an additional condition not to contact the complainant and her family in any mode or manner till the conclusion of the trial and he should not misuse the photographs of the daughter of the complainant, if he has taken.
- (iii) Criminal Application No.3185 of 2022 is allowed.

(S. G. MEHARE, J.)

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vmk/-